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Attorney Docket: 381NP/44849CO  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KOJI SHIBATA ET AL.  
Serial No.: 09/553,053                      Group Art Unit: 3752  
Filed: APRIL 20, 2000                      Examiner: ROBIN O. EVANS  
Title: FUEL INJECTION VALVE

REPLY TO RESTRICTION REQUIREMENT

Box  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

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DEC 19 2001  
TC 3700 MAIL ROOM

Responsive to the Office Action mailed on or about August 14, 2001, Applicants, by their undersigned attorney, provisionally elect claims 1, 7-13 and 16 with traverse. Reconsideration is requested on the following grounds.

The Office Action does not set forth a prima facie case of independence and/or distinctness sufficient to satisfy 35 U.S.C. § 121 as characterized in MPEP § 806.05(c). In particular, the generalized statement that the combination as claimed does not require that the fuel spray at a deflected side in longer than another side as set forth in the subcombination or that the subcombination has separate utility in that it can be used in "another type of fuel burner" does not constitute the record evidence to make a prima facie case. In this connection, it is incumbent upon the Examiner to establish that the combination as claimed does not require the

particulars of the subcombination as claimed "for patentability." This has not been demonstrated in the Office Action.

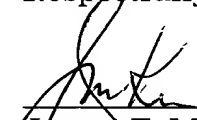
Likewise, the requirement for election of species is traversed, and reconsideration is requested. For purposes of fully responding to the Office Action, Applicants provisionally elect Fig. 2 upon which claims 1 and 7-10 are readable.

In light of the foregoing, the restriction requirement is deemed to be inappropriate and examination on all claims and species is deemed necessary. Reconsideration of the restriction and election requirements is therefore solicited.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #381NP/44849CO).

Respectfully submitted,

December 14, 2001

  
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